

EXHIBIT H

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 1:24-cv-10509-PBS

KOBAY SWAFFORD,)
Plaintiff,)
vs.)
RENTGROW, INC., and DOES 1-10,)
Defendants.)
-----)

DEPOSITION OF KOBAY Q. SWAFFORD,
called as a witness by and on behalf of the
Defendants, pursuant to the applicable provisions
of the Federal Rules of Civil Procedure, before P.
Jodi Ohnemus, RPR, RMR, CRR, CA-CSR #13192, NH-LSR
#91, MA-CSR #123193, and Notary Public, within and
for the Commonwealth of Massachusetts, at Troutman
Pepper Locke, 125 High Street, Boston,
Massachusetts, on Friday, February 14, 2025,
commencing at 9:03 a.m.

1 robbery?

2 A. Yes. I'm sorry. I'll get back to that,
3 you know. It's a lot of stuff. I'm just trying
4 to -- excuse me; but, yeah, I'm trying to the best
5 I can.

6 Q. I understand. And I believe -- did you
7 serve about three years in prison?

8 A. Yes.

9 Q. Okay. I want to put aside the -- the 2005
10 murder charges and the other incidence relating to
11 that. So put those aside for right now.

12 Any other felony charges that you've had
13 in your life beyond what we've discussed?

14 A. No.

15 Q. Is that a no?

16 A. No.

17 Q. All right. And how about misdemeanor
18 charges, nonfelonies? Have you been charged with
19 any misdemeanors?

20 A. Not that I can remember at the moment, no.

21 Q. All right. Okay. So let me go to the --
22 in 2005 in Michigan you were charged with first
23 degree murder, weapons felony firearm, and assault
24 with intent to murder; right?

25 A. True.

1 A. Like I say, they -- they put some charges
2 on me, and it was dismissed and...

3 Q. But are you saying you didn't do it or --
4 I understand the charges were dismissed.

5 A. I'm saying -- want me to answer that --

6 Q. Well, okay. Did you deny your guilt at
7 trial?

8 A. Did I deny my guilt?

9 Q. Yes.

10 A. I pled not guilty.

11 Q. Okay. And then you were convicted by a
12 jury, and then the charges were later dismissed; is
13 that right?

14 A. It was dismissed. Then I was convicted
15 after it was dismissed, and then they dismissed it
16 again.

17 Q. Okay. So if I've got the sequence of
18 events right, the charges were initially dismissed.
19 Then they were reinstated. Then you were convicted
20 by a jury, and then the charges were ultimately
21 dismissed; is that right?

22 A. Yes.

23 Q. Okay. And my understanding of this
24 dismissal is that they were dismissed under
25 something called the Interstate Detainer Act?

1 A. Interstate Agreement on Detainers.

2 Q. Yeah, you've heard of that?

3 A. Yeah, it's like a writ, yeah.

4 Q. So you were dismissed because the state
5 had failed to comply with that act.

6 Is that your understanding?

7 A. Yes.

8 Q. Okay. And you spent a -- I think you
9 believe you spent a couple years in prison; is that
10 right?

11 A. I did five all together. Three for the
12 federal, about 36 months, and then two state.

13 Q. Okay. Are you still talking about these
14 murder charges, the five years?

15 A. Three was for the bank robbery --

16 Q. Right.

17 A. -- federal, and that's why I did the
18 Interstate Agreement on Detainers while I was doing
19 my federal time, and then after I finished that,
20 the state came and got me, and I did two on that.

21 Q. Okay. And were you in -- for the two
22 years that you did relating to the murder charge
23 and the other charges, were you incarcerated in
24 Michigan?

25 A. I was -- yeah, Iona State.

1 Q. Did you say Iona?

2 A. In Michigan.

3 Q. That's in Michigan?

4 So you were under the supervision of the
5 Michigan Department of Corrections for two years?

6 A. Yup.

7 Q. Okay.

8 A. Well, yeah. Sorry about this kind of --

9 Q. Yeah.

10 A. Never mind.

11 Q. When you were in -- with the three years
12 that you did for the bank robbery, where were you
13 incarcerated?

14 A. Beckley, West Virginia.

15 Q. Is that a federal prison?

16 A. Federal.

17 Q. Okay. All right. We'll come back to the
18 murder-related charge in just a little bit, but
19 let's -- let's switch gears from your background
20 and let's talk about this case. Okay?

21 A. (Witness nods.)

22 MR. FOK: Can we take a break, Counsel.
23 It's been almost an hour.

24 MR. ST. GEORGE: Sure. Do you want to
25 just take five minutes?

1 Q. I'm sorry?

2 A. Email.

3 Q. Email. Okay.

4 So was there any -- was there anything
5 included with this letter, or was it just the
6 letter itself? Do you remember?

7 A. I don't remember.

8 Q. Okay. Now this letter doesn't mention
9 anything having to -- like RentGrow, the name
10 doesn't appear on this letter that's sent to you.

11 A. No, it was with the apartment complex.

12 Q. Okay. So my question was going to be when
13 did you first hear about RentGrow, the name?

14 A. Once the apartment was -- they did their
15 background check.

16 Q. So that's the apartment complex in
17 Evansville that you applied to after you got your
18 voucher?

19 A. Yes.

20 Q. Okay. That's the first time you recall
21 hearing the name RentGrow?

22 A. Yeah, I believe that's the first, yeah.

23 Q. All right. And what did you do after you
24 got this letter? Did you call anybody at
25 Evansville, or did you email them back?

1 A. Emailed them. Sent them some documents.

2 Q. All right. So if I'm looking at this
3 letter, it says (as read):

4 "If you disagree with the decision
5 regarding your application, you must request an
6 informal review in writing within ten days from the
7 date of this letter and provide documentation
8 showing a lifestyle change, you completed community
9 service, or something similar to be considered in
10 reversing the decision made."

11 Do you see that?

12 A. Yes.

13 Q. Okay. And is -- is that what you were
14 attempting to do by sending them documentation?

15 A. Yes.

16 Q. Okay. So you were disagreeing with the
17 decision and you wanted to show documentation that
18 would allow you to get the voucher?

19 A. Yes.

20 Q. All right. Were you attempting to show
21 them that you had changed your lifestyle?

22 A. Attempted to show them that those charges
23 were -- that it was dismissed. They shouldn't have
24 shown my criminal history. That's what I was
25 believing.

1 Q. What about the -- I'm sorry. Go ahead.

2 A. That was my intent to show them that --
3 that my criminal history that they seen on that was
4 wrong and that charges were dismissed.

5 Q. And how about change in lifestyle? Did
6 you want to -- did you intend to advance anything
7 about your lifestyle, any evidence of --

8 A. As far as?

9 Q. -- rehabilitation or anything like that?

10 A. Wasn't that -- I mean, it was just
11 specifically to show them that paperwork. I mean,
12 my lifestyle always -- well, no to your question.
13 No.

14 It was just to show them that it was --
15 you know, I was working and everything, and I was
16 just showing them -- because Kentucky accepted me.
17 So I didn't see how Evansville didn't accept my
18 voucher. Whatever information they got, I had to
19 show them they was making a mistake.

20 Q. Did you follow up with anyone in Kentucky
21 with the denial in Evansville? Like, did you ever
22 mention that to anyone in Kentucky involved with
23 the voucher program in Kentucky?

24 A. Yes.

25 Q. Okay. What -- what did you do?

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1 dismissal order, you agree this dismissal order was
2 before you were tried and convicted by a jury;
3 right?

4 MR. FOK: Objection. Asked and answered.
5 But you can answer.

6 A. January 26, '06.

7 Q. That was before the jury trial?

8 A. So that was before the jury trial.

9 Q. Okay. All right. Let me go back -- let
10 me go back to your email. If I can have you turn
11 the page back to your August 21st, 6:38 p.m. email.

12 You also say -- you also say some other
13 stuff that talks to your character; right? You
14 talk about the judgment of my character, and you
15 say you have an AAS degree, a member of Phi Beta
16 Kappa Honor Society, devout Catholic, members of --
17 member of the Knights of Columbus. Disabled
18 veteran, productive volunteer and citizen.

19 Do you see that content as well?

20 A. Yes.

21 Q. Okay. Why -- why were you telling
22 Evansville that? Was it in response to --

23 A. Because I get judged, and they don't
24 know -- I get judged and, you know, people don't
25 know, you know, the intricate details of things and

1 what's been going on in my life, and they see
2 something on paper and this -- I'm -- I'm looked at
3 a certain way.

4 So I'm letting them know, you know, I'm
5 not that person. I went through a -- you know, my
6 wife -- as far as, like, the bank robbery and
7 everything. You know, my wife passed. I was going
8 through a rough -- it was a dark time, you know.
9 Other things happened.

10 They didn't -- you know, some things was
11 just -- wasn't under my control; and, you know,
12 that was the only time I've been through something
13 like that. I've been blessed to kind of get past
14 that, and I'm just trying to, you know, just finish
15 out, you know, this -- my life.

16 I'm not out here -- not -- no gang
17 affiliation or nothing like that. I never got into
18 trouble before, and I haven't been in trouble
19 since. And I do -- I have done productive things,
20 and I had certain accomplishment. Though I've been
21 through other things as well but just trying to
22 show that, you know, because -- yeah, I've been --
23 I get judged a lot.

24 So I just wanted them to see that -- know
25 that this is a side of me. This is who I am and

1 not just some person out here on some, you know --
2 you know, reckless -- you know, just out there just
3 doing recklessness stuff. I'm not that person.

4 Q. All right. So then at the end of this you
5 say (as read):

6 "I'm writing this in hope you will review
7 and reconsider your decision."

8 You see that?

9 A. Right.

10 Q. And Evansville does reconsider its
11 decision; right?

12 A. Yes.

13 Q. Okay. Now, can I have you turn to tab 5
14 in your notebook.

15 MR. ST. GEORGE: Have this marked as
16 Exhibit 5.

17 (Exhibit 5, letter, August 29, 2023,
18 SWAFFORD 0042.)

19 Q. Okay. So Evansville reconsiders its
20 decision and decides to grant you a voucher --

21 A. Yes.

22 Q. -- right?

23 So just looked at your email that was
24 dated August 21st; right?

25 A. Yes.

1 Q. All right. And then we've got a letter
2 here that has been marked as Exhibit 5.

3 Are you familiar with this letter?

4 A. Yes.

5 Q. Okay. And this letter is dated August
6 29th, 2023?

7 A. Yes.

8 Q. Okay. And what is this letter in Exhibit
9 5?

10 A. Mandatory attendance for the orientation.

11 Q. Okay. And so this is telling you that
12 you've completed your eligibility determination.
13 So at this point in time you've been awarded the
14 voucher and then there's an orientation that you
15 have to attend; is that right?

16 A. Right; correct.

17 Q. All right. So was this -- was this when
18 you came to be aware that your voucher had been
19 approved, or had you actually been told that at any
20 point earlier?

21 A. This is when I was aware that my -- after
22 I sent the email.

23 Q. Okay.

24 A. 'Cause I was aware that they approved it.

25 Q. Okay. So just to make sure I've got it

1 straight. You send the email. You don't have any
2 further contact with Evansville until you get this
3 letter on August 29th?

4 A. Correct.

5 Q. All right. So they didn't call you, for
6 instance, to discuss the character evidence or the
7 documents that you had submitted?

8 A. No.

9 Q. Okay. All right. So you get this letter
10 on August 29th, and at that point in time you
11 understand that you'd been approved for a voucher?

12 A. Correct.

13 Q. All right. And it says the orientation is
14 scheduled for September 8th, 2023, at 9:00 a.m.

15 Do you see that?

16 A. Yup.

17 Q. Okay. Did you attend that orientation?

18 A. Yes.

19 Q. Okay. And it says (as read):

20 "During the orientation you will be
21 informed of the rules and regulations of the
22 program, and you will receive your voucher at this
23 time."

24 Do you see that?

25 A. Uh-huh -- yes.

1 Q. And so you did receive your voucher at
2 that orientation?

3 A. Yes.

4 Q. Okay. All right. So there's only a
5 period of about eight days from when you were
6 informed of the denial to when you were told you
7 were getting your voucher?

8 A. Yeah.

9 Q. Okay. All right. And then I believe your
10 testimony is that you took the voucher, and I guess
11 was it essentially -- well, let me back up.

12 So you get your voucher actually on
13 September 8th of 2023; right?

14 A. Yes.

15 Q. Okay. And so when in relation to that
16 September 8th date did you then go to the complex
17 that you've described in Evansville and apply?

18 A. I think I went right after the orientation
19 'cause I was still out there. So I -- I passed it
20 head- -- you know, I had to pass it going home
21 anyways back to Kentucky. So while I was out
22 there, I went to show the manager that I got the
23 voucher and --

24 Q. And that's when you started the
25 application process?

1 Q. Well, that's the question I'm asking.

2 A. Yeah, I believe.

3 Q. Does this appear to be the form you filled
4 out online?

5 A. Yeah, I thought I did it --

6 MR. FOK: You can review the top document
7 before you answer his question just to make sure.

8 A. (Witness reviews document.) Yeah.

9 Q. Okay. All right. And do you recall
10 filling out this form online?

11 A. Yes.

12 Q. All right. And the very last page is a
13 copy of your driver's license?

14 A. Yes.

15 Q. Is that the document that you uploaded
16 online as well?

17 A. Yes.

18 Q. All right. And if you look at the first
19 page of this applicant dispute form, is all of the
20 information that was filled out on this form
21 correct?

22 A. Are you asking me is it correct?

23 Q. Yes.

24 MR. FOK: Objection. Vague and ambiguous.
25 Calls for a legal conclusion.

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1 A. I mean, I believe I did it all correctly.

2 Q. Well, I'm just asking you --

3 A. Oh.

4 Q. -- the information that is populated in
5 these fields, is that all accurate?

6 A. (Witness reviews document.) 2262 -- yup.

7 Q. Okay. All right. And then if I go to
8 page 3 of 5, which is on RG_45, there's a section
9 called "Criminal Records."

10 A. Uh-huh.

11 Q. It looks like there's a case number input
12 there, and then there's a reason. (As read):

13 "This record does belong to me, but the
14 charges were dismissed."

15 Do you see that?

16 A. Yes.

17 Q. And do you recall filling out that
18 information online as well?

19 A. Yes.

20 Q. Okay. All right. Okay. And let me have
21 you turn to Exhibit 7 as well. If you can turn to
22 7, please.

23 MR. ST. GEORGE: And I'll have this marked
24 as Exhibit 7.

25 MR. FOK: My 7 is blank.

1 (Discussion off the record.)

2 (Exhibit 7A, email, 8/28/2023,
3 RG_0303-318.)

4 Q. All right. So do you have in front of you
5 an email that's been marked as Exhibit 7A that is
6 from the kobeayswafford24@gmail.com sent on August
7 28th, 2023?

8 Do you see this?

9 A. Yes.

10 Q. Okay. And is this an email that you sent
11 to RentGrow before you filled out the forms that we
12 just looked at?

13 A. I guess, yeah.

14 Q. Well, it says (as read):

15 "Hello, I'm requesting a dispute form
16 about the charges shown on my background check."

17 A. Uh-huh.

18 Q. (As read):

19 "Attached are certified legal documents of
20 the dismissal that proves the charges in Michigan
21 are shown in error. I'm sending it in advance in
22 the hope that it's reviewed and the issue can be
23 resolved in a timely manner. I thank you for your
24 assistance in this matter."

25 Do you see that?

1 A. Yeah.

2 Q. That -- that is your correspondence that
3 you --

4 A. Yes.

5 Q. -- wrote to RentGrow?

6 A. Yes.

7 Q. All right. And then the attachment --
8 going through the pages here, these are the same
9 documents that we looked at earlier that you sent
10 to Evansville; right?

11 A. Yes.

12 Q. All right. So these would have been the
13 same documents that you had --

14 A. Yes.

15 Q. -- requested of the Wayne County circuit
16 clerk and that were mailed to you?

17 A. Yes.

18 Q. All right. And so after you sent out
19 these -- sent to RentGrow these documents, you said
20 I'm requesting a dispute form. The dispute form
21 was sent to you, and you filled out the dispute
22 form that we just looked at?

23 A. Yes.

24 Q. Okay. All right. Let me have you turn to
25 Exhibit 8, which I'll have marked as Exhibit 8,

1 AFTERNOON SESSION (12:28 PM)

2 Q. Mr. Swafford, I'll just remind you, you
3 remain under oath.

4 A. Okay.

5 Q. If I can just have you turn again quickly
6 to Exhibit 2 that we looked at. This is the
7 Supreme Court of Michigan decision dismissing the
8 charges against you under the Interstate Agreement
9 on Detainers. I'm not going to ask you anything
10 specific about this opinion, but I do want to know
11 are you aware of anybody else in Michigan that has
12 a similar circumstance to you where a criminal
13 charge for homicide ended up being dismissed under
14 the Interstate Agreement on Detainers?

15 Anybody else that you're aware of that's
16 like you?

17 A. Any other cases that -- not that I'm aware
18 of.

19 Q. Okay. All right. So we were talking
20 about Evansville and the dispute process coming out
21 of Evansville, and we saw that you had attended the
22 orientation to get your voucher on September 8th.

23 A. Uh-huh.

24 Q. So I want to talk about, sort of, the time
25 period from September 8th moving forward --

1 A. Okay.

2 Q. -- beginning with some of the other
3 applications.

4 So one of the things that I was doing
5 during the break was I was looking over my notes,
6 and in this case you identified a complex called
7 Colonial Manor.

8 Do you remember that one?

9 A. That was Evansville.

10 Q. That was going to be my next question.
11 Okay. 'Cause in the responses that we'll look at
12 in a little bit that you served in this case, it
13 says that you applied to Colonial Manor on
14 September 8, which is the same day you attended the
15 orientation.

16 So that was the Evansville property?

17 A. Yes.

18 Q. Okay. And it also says that that
19 screening was done by a company called AppFolio.

20 A. AppFolio.

21 Q. Do you remember that?

22 A. That's probably where I heard -- heard of
23 that before, yeah.

24 Q. Okay. So I know you had earlier talked
25 about it being RentGrow, but -- and I can show you

1 your responses in a little bit, but having heard
2 AppFolio, do you think it's now AppFolio?

3 A. Yeah, maybe I made a mistake.

4 Q. Okay. No problem. That's fine.

5 And it also seems like you were -- you
6 mention in your responses that there was actually a
7 denial at Colonial Manor due to an issue with
8 rental history. Is that familiar?

9 A. Yeah, that might have -- it was vague,
10 though. To me it was just like they was just
11 coming up with an excuse. I don't know.

12 Q. Okay. All right. Well, we'll -- so
13 you're not sure if it was rental history or
14 criminal or anything like that?

15 A. I just noticed after I mentioned the
16 criminal history, they just kind of -- it didn't
17 pan out. It didn't fall through. So...

18 Q. Again, 'cause you identified to that --
19 the criminal history to them in advance?

20 A. In advance, yeah.

21 Q. Okay. All right. Is there some reason
22 why you didn't identify the criminal history in
23 advance to Evansville? 'Cause it sounds like you
24 had been having issues for a while.

25 A. Well, because I never had an issue, like,

1 A. Yes.

2 Q. All right. And it says in the second
3 paragraph (as read):

4 "Your rental application was declined
5 because you or the group you applied with did not
6 meet the property's minimal rental requirements."

7 You did not apply with a group; right?

8 A. No.

9 Q. You applied by yourself?

10 A. Yes.

11 Q. Okay. All right. And then do you see the
12 next paragraph says (as read):

13 "Your individual result was affected by:
14 Criminal history does not meet property
15 requirements; minor level of collection items."

16 Do you see that?

17 A. Yes.

18 Q. Okay. And do you see further down it
19 identifies RentGrow and provides an address and
20 some contact information from RentGrow?

21 A. Yes.

22 Q. Okay. So did you do -- did you get back
23 in touch with Mallard's Landing after you got --
24 again, let's stay in the March of 2024 time period
25 'cause I know now there's -- there's another

1 application or another acceptance.

2 After you got this letter in March of 2024
3 from Mallard's Landing, did you reach back out to
4 Mallard's to discuss it? Did you have any contact
5 with them?

6 A. Yes.

7 Q. Okay.

8 A. I think I did.

9 Q. What do you think happened?

10 A. I mean, I went there, spoke with someone,
11 and they was telling me -- well, you know what?
12 Actually, I think after that that's how -- I went
13 to the next -- it's called Hickory Lake, I think,
14 the one apartment complex 'cause I was denied
15 there.

16 So I just went next door and spoke with
17 leasing there and explained my situation and
18 everything, what happened at Mallard's. And they
19 was more open to work with me if I had proof or to
20 show some -- proof of what I was saying was -- was
21 correct, you know, they could get me in.

22 So they -- I kind of left Mallard's
23 Landing alone and went to Hickory Lake.

24 While I was doing that process I was
25 homeless briefly for about around a month because

1 A. Yes.

2 Q. So same packet?

3 A. Same packet.

4 Q. All right. So when did you do that?

5 'Cause you get this letter on March 9th. So I'm
6 trying to just build a timeline.

7 A. It was, like -- it was immediate. I don't
8 know what 'cause I --

9 Q. Okay.

10 A. It was, like, immediate.

11 Q. All right. So same day or next day.
12 Something like that?

13 A. Within that week or so.

14 Q. All right.

15 A. Give or take.

16 Q. Okay. So you reach back out to Mallard's.
17 You give them the same packet of -- of court
18 records that you gave to Evansville --

19 A. Uh-huh.

20 Q. -- what happens after that?

21 A. Well, I was denied. They said they
22 couldn't rent to me.

23 Q. Okay. Did they call you after that, or
24 did you have any -- did you get any further letters
25 or anything?

1 A. I spoke -- I went down there, I think,
2 spoke with someone --

3 Q. Okay.

4 A. -- in person.

5 Q. Do you recall who?

6 A. No.

7 Q. Okay. All right. And then your testimony
8 is that your application remained denied?

9 A. It remained denied.

10 Q. Okay. All right. So that's Mallard's.

11 Any further conversations with Mallard's
12 at that point in time after you had that
13 conversation that says you're still denied even
14 after you provide the records?

15 A. So at that point I gave up and went to
16 Hickory Lake.

17 Q. All right. So did you go to Hickory
18 Lake -- when in relation to the process that you've
19 described with Mallard's did you go to Hickory
20 Lake?

21 A. It was like, I guess, right after the
22 denial I was already down there. And basically
23 just walked next door to see if they had anything
24 available, and just went from there.

25 Q. Okay. So after you were initially denied

1 at Mallard, you walk across the street,
2 essentially --

3 A. Basically, yeah.

4 Q. -- and you go over to Hickory Lake?

5 A. Yeah.

6 Q. 'Cause you were already down there?

7 A. Right.

8 Q. You were already down there applying at
9 Mallard's?

10 A. Exactly.

11 Q. All right. And so it sounds like you walk
12 over there. You talk to Hickory Lake. That must
13 have been before you had given Mallard's the
14 additional documents; is that right?

15 A. That was after, I believe.

16 Q. Okay.

17 A. So after I had given Mallard's Landing
18 all -- I tried to, you know, show them that --
19 those documents and, you know, went through all of
20 that process. I was denied, and then I went next
21 door.

22 Q. Okay. So you went to Hickory Lake after
23 you had given Mallard's the documents and they told
24 you you were still denied?

25 A. Right.

1 Q. And you were already down there at that
2 point. So you walked over to Hickory Lake?

3 A. Right.

4 Q. And the letter I have here that we're
5 looking at as Exhibit 11 is dated March 9th of
6 2024.

7 Given that, I mean, do you know when you
8 went over to Hickory Lake? Was it the same day
9 or...

10 A. I can't recall.

11 Q. Okay.

12 A. I want to say yes, but I'm --

13 Q. All right. So maybe same day? Maybe next
14 day? Something like that?

15 A. Somewhere -- yeah, it was, like,
16 immediate. Yeah.

17 Q. Okay. So you walk over to Hickory Lake,
18 and did you -- you say you walked over there 'cause
19 you saw they had a leasing office open?

20 A. Yeah.

21 Q. All right. And it's literally -- is it,
22 like, right next door?

23 A. It was right next door, yeah. Right next
24 door. It was across the street. Pretty big
25 complex.

1 Q. All right. So you walk across the street.
2 Go to their leasing office. Tell me what happens
3 at Hickory Lake.

4 A. Asked if they had any openings. Basically
5 explained my situation, and they was more open to
6 work with me.

7 Q. And so how does --

8 A. If I provided -- if I provided, you know,
9 the -- you know, the documents to show what I was
10 trying to explain.

11 Q. Okay. So you were up front with Hickory
12 Lake --

13 A. Yes.

14 Q. -- about the criminal records --

15 A. Yes.

16 Q. -- and the documents that you would want
17 to show them?

18 A. Yeah.

19 Q. All right. So do you show them the
20 documents?

21 A. Yup.

22 Q. All right. And what happens after that
23 point?

24 A. After that we got the rental process. I
25 had to get my -- you know, get -- give them the

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1 voucher. They was going through a change of -- I
2 happen to catch them while they was going through a
3 change of ownership thing they had going. And also
4 I had to -- we was trying to hurry up and get
5 this -- they had an apartment ready. We had to get
6 an inspection, though.

7 And Section 8 on their end -- no, on the
8 apartment end, they kept failing -- they failed the
9 inspection a couple of times, but at that point I
10 already signed off my -- you know, the stuff I had
11 going on at Oak Grove. I already -- like, with the
12 landlord, I had already, as far as the lease and
13 everything, told them I was moving and had a case,
14 yeah.

15 So between moving from Oak Grove and
16 trying to wait for this apartment, I had a period
17 of being homeless, and then when they finally got
18 their thing in order, I was able to move in.

19 Q. Okay. All right. So -- so you apply over
20 at Hickory Lake. You explain your situation
21 proactively, and then you get accepted to live over
22 there?

23 A. Yeah.

24 Q. Did they run a background report on you?
25 Do you know?

1 A. Yeah.

2 Q. Did it show any criminal history?

3 A. I showed them those documents, and she
4 sent them to their -- to their office or, you know,
5 the -- what do you call that? The -- to her boss.

6 Q. Okay.

7 A. And, yeah, they got me in there. So...

8 Q. So I guess the question I'm asking you is
9 so you know they ran a background check?

10 A. Yes.

11 Q. Did you ever see that background check?
12 Did it have your criminal records on it?

13 A. I think it had; but, like I say, I gave
14 them that other information. So...

15 Q. Okay. And then it was taken to another
16 employee and the application was approved?

17 A. Yeah.

18 Q. All right. And then you say there was a
19 period of time until you could actually move in?

20 A. Right.

21 Q. How long a period was that? About a
22 month?

23 A. About a month.

24 Q. All right. And you say you had already
25 told your Oak Grove landlord that you were moving

1 Q. Did you have your own bedroom?

2 A. What's the name -- no, I had to share a
3 bedroom.

4 Q. Okay.

5 A. It was, like, seven or eight of us in
6 there, one house or something.

7 Q. All right.

8 A. If that. Give or take.

9 Q. All right. So you were there for a month?

10 A. Took about a month.

11 Q. I'm sorry?

12 A. Yeah, took about a month.

13 Q. And then you moved into the Antioch
14 complex?

15 A. Yeah, when they got it -- yeah, finally
16 got it together.

17 Q. Okay. And the Antioch complex was waiting
18 on inspections to be cleared before the apartment
19 could be --

20 A. Section 8.

21 Q. -- given to you?

22 A. Yes.

23 Q. Okay. All right. During this -- during
24 this time period when you're moving out of Oak
25 Grove, moving into the VA home, and then moving

1 report -- do you ever recall submitting any dispute
2 to RentGrow regarding the Mallard's Landing report?

3 A. I thought I sent the dispute, the thing I
4 had, but I'm not sure.

5 Q. Okay. Do you recall any other contacts
6 with RentGrow after you applied to Mallard's
7 Landing?

8 A. Not that I could remember exactly. I'm
9 not sure.

10 Q. Okay. All right. So we -- we established
11 very early on in this deposition that you -- you
12 lived in Antioch until January of 2025 when you
13 actually moved into Mallard's Landing?

14 A. January 2nd.

15 Q. Okay. January 2nd, 2025?

16 A. Yes.

17 Q. Okay. And there was no gap in housing
18 from when you moved out of the Antioch complex, you
19 moved right into the Mallard's Landing's complex?

20 A. Yes.

21 Q. Okay. All right. And I believe it was
22 your testimony that you were living in Antioch and
23 you had reached back out to Mallard's Landing
24 sometime in the summer or fall to see if they had
25 any available units?

1 So are you claiming that you have been
2 harmed in some way due to the conduct of RentGrow?

3 MR. FOK: Objection. Calls for expert
4 opinion. Legal conclusion.

5 A. A lot of anxiety about, you know, just --
6 you know, still got that over my head. What if,
7 you know, if I'm applying or look for, you know,
8 certain opportunities. I don't know what's -- to
9 -- what to expect. So this is giving me a lot of
10 -- worry and anxiety.

11 Q. Okay. Any -- anything else? I mean, so
12 I'll talk about your anxiety, but anything else in
13 terms of, you know, harm to you that you're
14 claiming in this case?

15 MR. FOK: Objection. Vague and ambiguous
16 and calls for expert opinion and legal conclusion.

17 A. The harm is like certain -- you know, the
18 hassle, the missed opportunities. If -- you know,
19 things -- things like that, I guess.

20 Q. And you say hassle and missed
21 opportunities. Those relate to the denial of your
22 housing applications?

23 A. That -- yeah, and certain jobs, you know,
24 had -- like, prior to this and -- 'cause this has
25 been going on for years. And like --

1 years that you described.

2 I want to focus on -- I want to focus on
3 the application to Evansville and the application
4 to Mallard's.

5 A. Okay.

6 Q. 'Cause those are the two instances where
7 RentGrow was involved; right?

8 A. Right.

9 Q. All right. So the anxiety that you
10 described as it relates to those two applications,
11 those -- that would be because you didn't get the
12 housing that you applied for?

13 A. Yeah, all the hassle and everything, yeah,
14 and --

15 Q. So it's because --

16 A. -- that I denied.

17 Q. -- because you were denied and didn't get
18 the housing you applied for?

19 A. Right. Which led me going through some
20 other -- you know, like, if I wasn't denied in the
21 first place at Mallard's, I feel like I wouldn't
22 have had to go through the Hickory Lake thing and
23 then, you know, just that led to one thing and, you
24 know, for them to turn around and how they accept
25 me but like -- accepted my application and

1 everything; but, yeah, if -- if that wasn't -- if
2 that didn't happen in the first place, you know,
3 I could have probably already settled in and
4 wouldn't -- just -- had to go through all of this
5 other stuff. I just -- extra stuff I've been going
6 through, I guess. I see it.

7 Q. So with respect to RentGrow, your anxiety
8 and your damages, they all relate to the fact that
9 you were denied housing and weren't able to settle
10 in in the way that you wanted to do so?

11 A. I mean, like I say, it -- so, yeah, like I
12 say, I think, yeah.

13 Q. Okay. And if you had gotten the housing
14 in Evansville, it would have been your intention to
15 settle in in Evansville; right?

16 A. At that time, yeah.

17 Q. Okay. And I believe your testimony was
18 you had intended to settle there for at least a
19 year?

20 A. Yeah at least, yeah.

21 Q. Maybe longer?

22 A. Yeah.

23 Q. And if you hadn't been denied at Mallard,
24 your testimony is that you wouldn't have gone
25 through the anxiety and hassle of having to apply

1 Q. Yeah. Okay. It says (as read):

2 "Accordingly, plaintiff seeks recovery for
3 his actual damages, including loss of earnings and
4 emotional distress."

5 Do you see that?

6 MR. FOK: Counsel, just for the record,
7 it's probably a typo. We can amend the complaint
8 to delete the loss of earnings from that.

9 MR. ST. GEORGE: Okay. Well, that was
10 going to be one thing I was going to ask you about.

11 There are no loss -- we agree there's no
12 loss of earnings?

13 MR. FOK: We agree that this is a purely
14 tenant rent housing report.

15 MR. ST. GEORGE: So you agree there is no
16 loss of earnings?

17 MR. FOK: We will amend to delete that,
18 yeah.

19 Q. All right. And the emotional distress, is
20 there -- you've already described that to me
21 today -- right? -- in terms of your anxiety?

22 Is there anything different about your
23 emotional distress that we haven't already talked
24 about?

25 A. What do you mean by that?

1 Q. Well, I'm just trying to ask you -- the
2 phrase here you used is "emotional distress." Is
3 there something other than the anxiety that we've
4 already covered today that you would mean by the
5 phrase "emotional distress," or have we covered it?

6 MR. FOK: Objection. Vague and ambiguous.

7 A. You're saying, like, is there anything
8 added?

9 Q. Yeah, anything other than what you've
10 already told me about your anxiety that you would
11 regard as emotional distress. Anything more?

12 A. I don't know. I don't know just -- this
13 thing is wearing me out right now.

14 Q. Why don't we do this: We're almost done,
15 but do you want -- do you want five minutes or so?

16 A. Let me smoke another cigarette or
17 something.

18 Q. Let's just take five minutes, then you can
19 come back fresh, and then we'll be almost done at
20 that point. Okay?

21 A. All right.

22 (Recess was taken.)

23 Q. Mr. Swafford, are you ready?

24 A. Yeah.

25 Q. So before we took a break we were just

1 looking at the complaint and I was asking about
2 this paragraph 20.

3 It says -- it talks about loss of earnings
4 and emotional distress. I was asking about the
5 emotional distress component.

6 Is there any type -- are there any types
7 of distress that you're claiming in this lawsuit
8 that are -- that exist beyond what you've already
9 described or have you described them to me?

10 A. That's all I could think of, but it's,
11 like -- as far as now, I could think of -- I don't
12 know. Like, if I didn't -- I don't think I would
13 have had to go through that -- that little homeless
14 situation if I wasn't denied.

15 Q. Uh-huh. Okay.

16 A. But the first time, though, I wouldn't
17 have had to go through the Hickory Lake and -- but
18 I already mentioned that. So, yeah, I'll just
19 really be repeating myself, but yeah...

20 Q. Okay. All right. Let me have you turn to
21 tab 21 in your binder which I'll have marked as
22 Exhibit 21.

23 (Exhibit 21, ICHAT, RG_000959-965.)

24 Q. And there's actually two documents here.
25 There's -- the first document that's got the first